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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,949	11/21/2003	Robert Leon	1. 911-A.01	3531

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EXAMINER

DOAN, KIET M

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/719,949

Applicant(s)

LEON, ROBERT

Examiner

Kiet Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Holshouser (Patent No. 6,282,433) in view of Aho et al. (Patent No. 6,198,941).

Consider **claims 1, 5, 18**. Holshouser teaches a communication system for wireless data communication said system comprising:

- a) a wireless communication device capable of conducting data communication through an over-the-air network;
- b) a computer network access facility structured to access a computerized network;
- c) a transceiver assembly operative on a short range communication standard and structured to communicatively interconnect said wireless communication device with said computer network access to establish data communication therewith,
- d) said transceiver assembly including a first transceiver communicatively connected to said computer network access, at least a second transceiver connected to said wireless communication device (Abstract, C1, L49-58, C2, L40-67, C3, L1-29, Fig.3, Illustrate personal communication terminal No.10 as read on wireless communication device wherein the terminal No.10 capability connected to computer

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network/local area network in short range and conduct communication through an over-the-air network). Holshouser teaches the limitation of claims as discuss **but silent on** and an auto-switching capability responsive to pre-determined parameters;

e) said auto-switching capability being determinative of data communication with said wireless communication device either over the computerized network through said computer facility or by the over-the-air network dependent on the establishment of said predetermined parameters, and

f) at least one of said predetermined parameters comprising a pre-established vicinity range.

In an analogous art, Aho teaches "Method of operating a portable communication device". Further, **Aho teaches** and an auto-switching capability responsive to pre-determined parameters (Abstract, C1, L16-33 teach change network when device move out of different service area);

e) said auto-switching capability being determinative of data communication with said wireless communication device either over the computerized network through said computer facility or by the over-the-air network dependent on the establishment of said predetermined parameters (C4,L23-L44, L65-67, C5, L12-18, Fig.4 Illustrate and described) and

f) at least one of said predetermined parameters comprising a pre-established vicinity range (C2, L31-43, L64-67, C3, L1-13).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Holshouser and Aho system, such

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that wireless communication device capable of conducting data communication through an over-the-air network and computer network base on predetermine parameter range to provide means for the convenient and keeping communication without interrupt and saving money when switching to local network.

Consider **claim 2**. Holshouser teaches a system as recited in claim 1 wherein said transceiver assembly is operative on a short range frequency (Abstract, C1, L55-58).

Consider **claims 3, 6, 20**. Aho teaches a system as recited in claim 1 wherein said transceiver assembly automatically establishes communicative recognition between said computer network access and said wireless communication device within said pre-established vicinity range (C2, L31-43, L64-67, C3, L1-13, L60-67, C4, L1-57).

Consider **claim 4**. Aho teaches a system as recited in claim 1 wherein said predetermined parameters further comprise recognition compliance of said wireless communication device based at least partially on a unique identifier (C4, L23-L44, L65-67, C5, L12-18).

Consider **claim 7**. Aho teaches a system as recited in claim 6 wherein said wireless communication device is operative to establish data communication by said over-the-air network outside of said pre-established vicinity range (C1, L16-34, C4, L65-67, C5, L12-18).

Consider **claims 8, 20**. Aho teaches a system as recited in claim 7 wherein said auto-switching capability is responsive to said pre-established vicinity range to automatically establish at least two way communication between said wireless communication device and said processor when said pager assembly is within pre-established said vicinity range (C1, L16-34C4, L65-67, C5, L12-18, C6, L30-42).

Consider **claims 9, 19**. Holshouser teaches a system as recited in claim 5 wherein said processor comprises a computer operatively connected to a computer network access (C3, L6-15).

Consider **claims 10, 16**. Aho teaches a system as recited in claim 5 wherein said processor comprises a computer network access (C3, L1-6, C4, L22-55).

Consider **claim 11**. Aho teaches a system as recited in claim 5 wherein said wireless communication device comprises a pager assembly including multi-line communication capabilities operable on at least two independent frequency ranges (C4, L22-45, Fig.4, illustrate No.130, No.131 as two independent frequency ranges).

Consider **claim 12**. Aho teaches a system as recited in claim 5 wherein said transceiver assembly includes a scanning capability, said scanning capability structured to provide continuous searching by at least one of said first or second transceivers for

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the other of said transceivers and establish communication there between when said wireless communication device is within said pre-established vicinity range (C5, L1-65, C6, L1-42).

Consider **claim 13**. Aho teaches a system as recited in claim 5 wherein said transceiver assembly includes selective configuration capability responsive to said first and second transceivers being located within said pre-established vicinity range; said system structured to instruct said over the air network to regulate transmission of data to said wireless communication device (C1, L16-34, C4, L65-67, C5, L12-18).

Consider **claim 14**. Aho teaches a system as recited in claim 13 wherein said over-the-air network is responsive to selective storage of all data to said wireless communication device and/or transmit data to said wireless communication device within a selectable time window (Fig.1, portable device No.101 contain interface wherein transmit data).

Consider **claim 15**. Aho teaches a system as recited in claim 14 wherein modification of said selective configuration capability is performed through said wireless communication device (C1, L16-34).

Consider **claim 17**. Aho teaches a system as recited in claim 5 wherein said transceiver assembly and said auto-switching capability determinative of data

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communication with said wireless communication device, either by said over-the-air network or by Internet access, dependent on the establishment of said predetermined parameters (C1, L16-34, C4, L65-67, C5, L12-18).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863.

The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kiet doan
Patent Examiner



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER